

RESOLUTION NUMBER R- 308621

DATE OF FINAL PASSAGE DEC 24 2013

A RESOLUTION OF THE COUNCIL OF THE  
CITY OF SAN DIEGO APPROVING THE  
SETTLEMENT BETWEEN JANE ROE; THE CITY  
OF SAN DIEGO; CHIEF WILLIAM LANSDOWNE  
AND KEVIN FRIEDMAN

WHEREAS, on January 19, 2012, Plaintiff Jane Roe filed suit against the City of San Diego [City]; Chief William Lansdowne and Kevin Friedman alleging personal injuries arising from an incident which occurred on February 20, 2010. The suit is entitled *Jane Roe v. The City of San Diego; Chief William Lansdowne and Kevin Friedman*, Case No 12cv0243 W (WVG) [Litigation]; and

WHEREAS, in Closed Session on September 17, 2013, the City Council, by the following votes:

Yeas, District(s) 1, 2, 3, 4, 5, 6, 7, 8, and 9; Nays, None; and Absent, District(s) None; approved the Settlement Agreement; and

WHEREAS, the City Council in closed session on September 17, 2013, authorized settlement of the Litigation for an amount consistent with the amounts set forth below and pursuant to such other terms more fully set forth in the Settlement Agreement; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego that the Council authorizes:

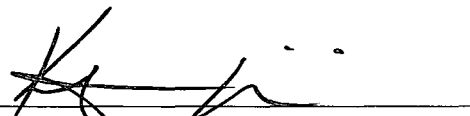
1. The Mayor or his designee to pay the sum of \$795,000 from the Public Liability Fund 720045, in settlement of each and every claim for damages, interest, costs, and fees of any

type, including attorney fees, against City of San Diego, its agents and employees, Chief William Lansdowne and Kevin Friedman arising from the personal injury claim of Jane Roe, United States District Court Case No. 12cv0243 W (WVG).

2. The Chief Financial Officer to expend \$795,000.00 from the Public Liability Fund #720045, contingent upon the Chief Financial Officer first furnishing one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

3. The Comptroller to issue a check in the amounts of: \$795,000 made payable to the Law Offices of Mary Frances Prevost.


APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Keith W. Phillips  
Deputy City Attorney

KWP:my  
9/25/2013  
Or.Dept:[Dept] 59  
CC No. 3000006515  
Doc. No. 641717

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of DEC 10 2013.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Council President

The City of San Diego  
**COMPTROLLER'S CERTIFICATE**

**CERTIFICATE OF UNALLOTTED BALANCE**

ORIGINATING CC 3000006515  
 DEPT NO \_\_\_\_\_

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: \_\_\_\_\_ Fund: \_\_\_\_\_

Purpose: \_\_\_\_\_

Date: \_\_\_\_\_ By: \_\_\_\_\_  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE

**CERTIFICATION OF UNENCUMBERED BALANCE**

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$795,000.00

Vendor: Mary Frances-Prevost Client Trust Account (\$495,000)  
 Vendor: BHG Structured Settlement (\$300,000)

Purpose: Authorizing the Mayor or his designee to pay the sum of \$795,000 from the Public Liability Fund No. 720045, in settlement of each and every claim for damages, interest, costs, and fees of any type, including attorney fees, against City Defendants arising from the personal injury claim of Jane Roe.

Date: November 13, 2013 By: *Jaylia Vang*  
 COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Fund	Funded Program	Internal Order	Functional Area	G/L Account	Business Area	Cost Center	WBS	Original Amount
	720045				512006	1515	1515000011		\$795,000.00
TOTAL AMOUNT									\$795,000.00

CC-351 (REV 7-09)

FUND OVERRIDE

CC 3000006515

DEC 10 2013

*R* 308621

Passed by the Council of The City of San Diego on DEC 10 2013 by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 24 2013

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT  
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Elizabeth M. Land, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- <u>308621</u>